

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

JEFFREY SMELSER

PLAINTIFF

v.

Case No. 1:19-cv-1025

DISCOVER BANK

DEFENDANT

ORDER

Before the Court is the parties' Stipulation of Dismissal. ECF No. 31. The parties ask that the Court dismiss this case with prejudice pursuant to Federal Rule of Civil Procedure 41.

An action may be dismissed by "a stipulation of dismissal signed by all parties who have appeared." Fed. R. Civ. P. 41(a)(1)(A)(ii). "Caselaw concerning stipulated dismissals under Rule 41(a)(1)(A)(ii) is clear that the entry of such a stipulation of dismissal is effective automatically and does not require judicial approval." *Gardiner v. A.H. Robins Co.*, 747 F.2d 1180, 1189 (8th Cir. 1984). Thus, Plaintiff's claims against Defendant were effectively dismissed when the parties filed the instant stipulation. However, this order issues for the purpose of maintaining the Court's docket.

This case is hereby **DISMISSED WITH PREJUDICE**. If any party desires that the terms of any settlement be a part of the record therein, those terms should be reduced to writing and filed with the Court within thirty (30) days of the entry of this judgment. The Court retains jurisdiction to vacate this order upon cause shown that any such settlement has not been completed and further litigation is necessary.

IT IS SO ORDERED, this 2nd day of December, 2021.

/s/ Susan O. Hickey

Susan O. Hickey

Chief United States District Judge

